

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-CR-20104-JEM(s)

UNITED STATES OF AMERICA

vs.

MARIO ANTONIO PALACIOS PALACIOS,

Defendant.

_____ /

MOTION FOR LEAVE TO FILE SUR-REPLY

COMES NOW, the United States of America, through its undersigned counsel, respectfully requesting leave to file a sur-reply in response to defendant's October 26, 2022 motion to suppress statements. ECF Nos. 74 and 79. In support of this motion, the Government states as follows:

1. On March 22, 2022, the defendant was charged in the present Indictment. ECF No. 18. Trial is currently set for March 27, 2023. ECF No. 59.

2. On October 26, 2022, the defendant filed a motion to suppress his statements to law enforcement. ECF No. 74. The same was supplemented on November 7, 2022. ECF No. 79.

3. On October 26, 2022, this Court referred the defendant's motion to suppress to the Honorable Jacqueline Becerra, United States Magistrate Judge for the Southern District of Florida. ECF No. 75.

4. On December 21, 2022, the Government filed its opposition to defendant's motion to suppress. ECF No. 97.

5. That same day, December 21, 2022, the defense sent a letter (the "Additional Discovery Request") to the Government requesting, among other items, the following: (i) any law enforcement reports or communications generated by or on behalf of any of the participants in the

defendant's interviews; (ii) reports reflecting the relationship between law enforcement and the Colombian CO who helped coordinate the defendant's interview; and (iii) any reports generated by law enforcement that participated in the defendant's interviews.

6. As the Government had advised the defense on December 14, 2022, the Government is continuing to produce materials responsive to the Standing Discovery Order. In addition, the Government specifically responded in writing to the Additional Discovery Request on December 27, 2022, noting that the Government was engaged in ongoing efforts to identify all communications regarding the defendant's interviews. The Government began producing materials it had identified as responsive to the Additional Discovery Request the next day, on December 28, 2022.

7. The defendant filed a reply in support of its motion to suppress on January 4, 2023. ECF No. 101. That reply presented new arguments relying in part upon materials the Government had produced in response to the Additional Discovery Request.

8. The Government is still in the process of gathering materials responsive to the Additional Discovery Request. In addition, the Government is seeking to obtain translations of certain Spanish language materials that were produced. In light of those facts, and considering that the defense had raised new arguments in its reply, the Government conferred with the defense on January 7, 2023, requesting the defense's consent to file a sur-reply in approximately three weeks.

9. On January 9, 2023, defense counsel advised that it opposes the relief requested herein.

10. In light of the above, the Government respectfully requests leave to file a sur-reply by January 27, 2023. The proposed date, in addition to allowing the Government to address certain

factual assertions and arguments raised in the defendant's reply, will permit additional time for the Government to complete its search for materials responsive to the Additional Discovery Request, and to obtain certified translations of newly produced Spanish-language materials.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ Monica K. Castro
MONICA K. CASTRO
Assistant United States Attorney
Court ID No. A5502776
U.S. Attorney's Office - SDFL
99 N.E. 4th Street, Suite 718 Miami,
FL 33132-2111
Telephone: (305) 961-9013
Email: Monica.Castro@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing document with the Clerk of the Court using CM/ECF, and served a copy to defense counsel by ECF and email, on or about January 10, 2023.

/s/ Monica K. Castro

Assistant United States Attorney